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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,158	09/29/2003	Roger D. Kennealy	062891.1119	5547
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER CHU, WUTCHUNG	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 05/15/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mike.furr@bakerbotts.com
ptomail1@bakerbotts.com

Office Action Summary

Application No.

10/675,158

Applicant(s)

KENNEALY, ROGER D.

Examiner

Wutchung Chu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/29/2003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Abstract

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds the word limited range. Correction is required. See MPEP § 608.01(b).

Drawings

3. The drawings are objected to because fig. 1, fig. 3., and fig. 2 box40 are not labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "call setup message 50" (see spec page 8 line 2 and various locations in the spec) and "transcoding information 60" (see spec page 8 line 8 and various locations in the spec). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including

annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaffer et al. (US632443).

Regarding claim 1, Shaffer et al. discloses a system and method for optimizing telecommunication signal quality (**see col. 2 line 17-24**) comprising:

- a first network (**see figure 3 box 306a and 306b**) operable to communicate media in at least one encoding format (**see col. 6 line 7-12 voice signal in G.723 may be transcoded into pulse code modulation (PCM)**);
- a second network (**see column 6 line 30-45 voice in GSM may be transcoded into PCM and may again be transcoded into G.711 or G.723**) operable to

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communicate media in at least one encoding format (**see col. 6 line 7-12 voice signal in G.723**);

- a gateway, operable to:
 - receive a call setup message from the first network (**see figure 5 box 502 call request is intercepted by gateway X**), the call setup message signaling for a media channel for transporting media between a first device and a second device (**see figure 4 box 400 sender sends a signaling message to receiver and figure 5 box 500 client A sends a call request to client B**);
 - identify a first encoding format for the media communicated with the first network (**see figure 4 box 408 determining an end-to-end coding scheme for the call (requiring a least number of transcoding) and col. 6 line 7-12 voice signal in G.723 may be transcoded into pulse code modulation (PCM)**);
 - determine a second encoding format for the media communicated with the second network (**see figure 4 box 408 determining an end-to-end coding scheme for the call (requiring a least number of transcoding) and column 6 line 30-45 voice in GSM may be transcoded into PCM and may again be transcoded into G.711 or G.723**);
 - if the first encoding format and the second encoding format are different, modify transcoding information in the call setup message (**see figure 4**

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box 410 send another signaling message instructing intermediary stations to follow end-to-end coding scheme for the call);

- o identify a remote element to receive the call setup message (**see figure 5 box 508 gateway Y contacts client B and determines client B's capabilities available at the moment and figure 5 box 510 gateway Y sends a second signaling message to gateway X to inform gateway X of client B's and intermediate stations' capabilities); and**
- o transmit the call setup message to the remote element (**see figure 5 box 506 gateway Y receives the first signaling message).**

Regarding claim 2, Shaffer et al. teaches the gateway is further operable to modify the transcoding information in the call setup message by incrementing a counter value of the transcoding information (**see column 7 line 22-29 where the number of transcoding is determined).**

Regarding claims 3, Shaffer et al. teaches the gateway is further operable to modify the transcoding information in the call setup message by appending information identifying an encoding format to the transcoding information (**see figure 4 box 408 determining an end-to-end codign scheme for the call (requiring a least number of transcoding) and col. 6 line 7-12 voice signal in G.723 may be transcoded into pulse code modulation (PCM)).**

Regarding claims 4, Shaffer et al. teaches the gateway is further operable to determine the second encoding format based on at least the transcoding information in the call setup message (**see figure 4 box 408 determining an end-to-end codign**

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scheme for the call (requiring a least number of transcoding) and column 6 line 30-45 voice in GSM may be transcoded into PCM and may again be transcoded into G.711 or G.723).

Regarding claims 5, Shaffer et al. teaches the gateway is further operable to determine the second encoding format based on at least whether a counter value of the transcoding information is less than a predetermined maximum (**see figure 6 box 654, 656, 658 and 660 where more than one end-to-end coding schemes are determined and compared, and figure 6 box 658 select result with minimum number of transcoding and where the higher number of transcoding corresponds to predetermined maximum**).

Regarding claims 6, Shaffer et al. teaches the gateway is further operable to determine the second encoding format based on a cost associated with the second format (**see column 9 line 60**).

Regarding claims 7, Shaffer et al. teaches the gateway is further operable to reject the call setup message, if the first encoding format and the second encoding format are different and a counter value of the transcoding information is equal to or greater than a predetermined maximum value (**see column 9 line 39-46 and figure 6B box 658 where more than one end-to-end coding schemes are determined and compared, and select result with minimum number of transcoding corresponds to reject the call setup message that has a greater value in transcoding, and the higher number of transcoding corresponds to predetermined maximum**).

Regarding claims 8, Shaffer et al. teaches the gateway is further operable to identify the remote element to receive the call setup message based on at least the transcoding information (**see figure 5 box 508 gateway Y contacts client B and determines client B's capabilities available at the moment and figure 5 box 510 gateway Y sends a second signaling message to gateway X to inform gateway X of client B's and intermediate stations' capabilities**).

Regarding claims 9, Shaffer et al. teaches the gateway is further operable to identify the remote element to receive the call setup message (**see figure 5A box 510 gateway Y sends a second signaling message to gateway X to inform gate X of client B's and intermediate stations' capabilities, and figure 5A box 512 gateway X receives Q and determines an end-to-end coding scheme**) based on at least whether a counter value of the transcoding information(**see column 7 line 22-29 where the number of transcoding is determined**) is less than a predetermined maximum (**see column 9 line 39-46 and figure 6B box 658 where more than one end-to-end coding schemes are determined and compared, and select result with minimum number of transcoding, and the higher number of transcoding corresponds to predetermined maximum**).

Regarding claims 10-18, Shaffer et al. disclose all the limitations as discussed in the rejection of system claims 1-9 and are therefore method claims 10-18 are rejected using the same rationales.

Regarding claims 19-27, Shaffer et al. teaches network interface and CPU (**see figure 1 box 102 and 116 and column 4 line 59-column 5 line 13 corresponds to**

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first and second interface and processor) and disclose all the limitations as discussed in the rejection of system claims 1-9 and are therefore device claims 19-27 are rejected using the same rationales.

Regarding claims 28-36, Shaffer et al. teaches programming instructions and data (**see column 4 line 18-29**) and disclose all the limitations as discussed in the rejection of system claims 1-9 and are therefore computer program claims 28-36 are rejected using the same rationales.

Regarding claim 37, Shaffer et al. disclose all the limitations as discussed in the rejection of system claim 1 and is therefore system claim 37 is rejected using the same rationales.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rabipour et al. (US2004/0131051) discloses method and apparatus for data communication.

Steinabch (5912897) discloses method for converting messages exhibiting formats in communication system.

Mangal (US7113582) discloses system for caller control over call routing paths.

Sylvain (US2002/0080791) discloses interworking or dissimilar packet networks for telephony communications.

Pinault (US2003/0048795) discloses gateway between digital signal transmission networks.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wutchung Chu whose telephone number is 571 270 1411. The examiner can normally be reached on Monday - Friday 1000 - 1500EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571 272 7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WC
Wutchung Chu

A handwritten signature in black ink, appearing to read 'Wing Chan', with a stylized, cursive script.

WING CHAN
SUPERVISORY PATENT EXAMINER